

REMARKS/ARGUMENTS

Re-examination and favorable reconsideration in light of the above amendments and the following comments are respectfully requested.

Claims 10 and 12 - 18 are currently pending in the application. All claims have been rejected.

By the present amendment, claims 10, 13 and 18 have been amended and claims 12 and 14 - 17 have been cancelled without prejudice and incorporated into claim 10.

In the office action mailed December 12, 2006, claims 10 and 12 - 18 were rejected under 35 U.S.C. 103(a) as being unpatentable over German patent document 3904008 A1.

The foregoing rejection is traversed by the instant response.

With respect to the rejection of claims 10 - 18, the present invention is directed to a frying device for cooking portions of foodstuffs and pastries comprising a storage container and a frying drum containing liquefied cooking fat that is connected to the storage container by means of a transportation pipe, the frying drum accommodating a revolving agitator that conveys the cooked portions onto a discharging conveyor chute, the conveyor chute having a U-shaped profile, and the frying drum being accommodated in a service drum in such a manner as to be axially displaceable, wherein the frying drum is a hollow cylinder closed on all sides, a discharge drum is arranged in the frying drum, said discharge drum removing the fried material from the frying drum, and a revolving agitator that conveys it into the discharge drum, the discharge drum is provided with a slit-shaped recess with a conveyor chute that continues the recess, parallel limbs of the U-shaped profile engage with an inner surface of a pipe-shaped part of the

discharge drum, and a prolongation of the downwardly inclined conveyor chute passes through a cover of the frying drum and a cover of the service drum.

It is submitted that the cited and applied German patent document does not teach or suggest the subject matter of claim 10. In particular, the German patent document does not teach or suggest accommodating the frying drum in a service drum in a manner as to be axially displaceable. This difference between the claimed invention and the disclosure in the German patent document is significant. By providing an axially displaceable frying drum in the manner set forth in claim 10, one can change the frying liquid without having to clean the frying drum in situ by replacing the frying drum instead of draining the oil therefrom.

The invention set forth in claim 10 is patentably distinct from that set forth in cited German patent document in the following respects:

A. ease of maintenance: we should be understood as (i) exchangeability of frying drum with cooking fat at minimum downtime; (ii) elimination of the possibility of spilled liquid; and (iii) ease of keeping frying drums with cooking fat in optimum harmless or hygienic condition; and

B. suitability of subject matter of claim 10 for automated operation.

The issue "ease of maintenance" is reflected by the claim language "the frying drum being accommodated in a service drum in such a manner as to axially displaceable wherein the frying drum is a hollow cylinder closed on all sides." In other words, this language means that if a maintenance man wants to change the oil (cooking fat), he takes out the frying drum with the spent cooking fat and replaces same with another frying drum

with virgin cooking fat. A maintenance operation can be made in a very short time (downtime). The claimed invention is further directed to a frying device which can be taken out as a closed frying drum with the danger of spilling cooking fat being virtually eliminated. The claimed invention also allows cleaning of the cooking drum as an individual part while the frying device stays in operation.

The cited reference is distinguished from the claimed invention in that it does not show a separate frying drum in a service drum. Exchange of cooking fat is effected via a storage container and a drainage valve, providing no means to clean the known frying device. Drainage of the spent cooking fat entails the danger of spilling, while the device is inoperative when same is cleaned for hygienic purposes. Thus, the claimed invention has a substantial advantage over the device shown in the cited reference.

With respect to issue B, the cited reference discloses a manually operated discharge operation. The operation calls for a drawer to be pulled to convey the fried goods from a sieve upon a chute, which is arranged outside a discharge drum. Contrary to this, the present invention is directed to a frying device wherein a discharge operation is operable without manual support since the fried goods are directly conveyed on a chute arranged within the discharge drum. This feature assures the automated operation of the frying device according to the present invention.

For these reasons, claim 10, as amended herein, is allowable over the cited reference.

Claims 13 and 18 are allowable for the same reasons that claim 10 is allowable and further on their own accord.

The instant application is believed to be in condition for allowance. Such allowance is respectfully solicited.

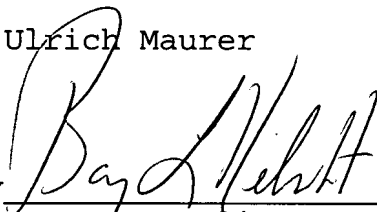
A three month extension of time is enclosed herewith. The Director is hereby authorized to charge Deposit Account No. 02-0184 in the amount of \$510.00. Should the Director determine that an additional fee is due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Should the Examiner believe an additional amendment is needed to place the case in condition for allowance, he is hereby invited to contact Applicants' attorney at the telephone number listed below.

Respectfully submitted,

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Date: June 11, 2007

I, Rachel Piscitelli, hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313" on June 11, 2007.

